

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ENOVSY LLC,
Plaintiff,

v.

UBER TECHNOLOGIES, INC.,
Defendant.

Case No. 23-cv-04549-EJD

**ORDER DENYING REQUEST FOR
LEAVE TO FILE SUR-REPLY**

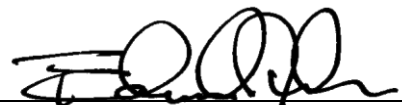
Re: ECF No. 44

Pending before the Court is Plaintiff Enovsys LLC's ("Enovsys") request for leave to file a sur-reply to Defendant Uber Technologies, Inc.'s ("Uber") motion to dismiss (ECF No. 29) on the grounds that Uber's reply in support of its motion (ECF No. 43) argues a new legal issue and is not responsive to an issue first raised in Enovsys' opposition to Uber's motion (ECF No. 38). *See* ECF No. 44. Specifically, Enovsys argues that a sur-reply is warranted because Uber "never argued futility" as a basis for seeking dismissal with prejudice or "any other basis why dismissal with prejudice was warranted." *Id.*

As Enovsys acknowledges, Uber's motion seeks dismissal with prejudice. ECF No. 29. Uber did not improperly raise new arguments in its reply. Moreover, Enovsys' opposition to Uber's motion makes the same argument and cites the same authority Enovsys now seeks to include in a sur-reply. *Compare* ECF No. 38 at 24 *with* ECF No. 44-1 at 1. Enovsys' request for a sur-reply is DENIED.

IT IS SO ORDERED.

Dated: January 25, 2024



Edward J. Davila
United States District Judge